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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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CHANDLER RUSSELL ROSE, Plaintiff, v. K. HANCOCK, et al. Defendants.	MEMORANDUM DECISION AND ORDER Case No. 1:12-cv-00110-DB-DBP District Judge Dee Benson Magistrate Judge Dustin B. Pead
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**I. INTRODUCTION**

This civil rights matter was referred to the Court under 28 U.S.C. § 636(b)(1)(A). Plaintiff is Chandler Russell Rose (“Plaintiff”). Defendants are the following Clearfield, Utah Police Department officers: (1) K. Hancock; (2) Jason Richards; and (3) J. Jackson. On October 10, 2012, this Court stayed discovery in this civil case until the related criminal proceedings against Plaintiff concluded. (Docket No. 36.)

Before the Court are the following motions: (1) Defendants’ motion to stay civil proceedings; (2) Defendants’ motion to stay briefing on Plaintiff’s motion for partial summary judgment; and (3) Plaintiff’s motion to lift the October 10, 2012 stay.

**II. PLAINTIFF’S MOTION TO LIFT STAY**

On December 28, 2012, Plaintiff filed a motion to lift the October 10, 2012 discovery stay because criminal proceedings had concluded. (Dkt. No. 51.) That is, on December 7, 2012, Plaintiff entered a plea in abeyance to class B misdemeanor underage drinking. (Id. at 1.)

Defendants have not responded to Plaintiff's motion. See DuCivR 7-1(d) ("Failure to respond timely to a motion may result in the court's granting the motion without further notice.").

Because Plaintiff's criminal proceedings have concluded, and because Defendants failed to respond to Plaintiff's motion to lift the stay, the Court **GRANTS** the motion. (Dkt. No. 51.)

### **III. DEFENDANTS' MOTION TO STAY CIVIL PROCEEDINGS**

On November 14, 2012, Defendants filed a motion to stay civil proceedings in their entirety pending the ongoing state criminal proceedings against Plaintiff.<sup>1</sup> Because the criminal proceedings have concluded, the Court finds this motion **MOOT**. (Dkt. No. 44.)

### **IV. DEFENDANTS' MOTION TO STAY BRIEFING ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

On October 10, 2012, Plaintiff filed a motion for partial summary judgment. (Dkt. No. 37.) On October 12, 2012, District Judge Dee Benson granted Plaintiff's motion to withdraw his partial summary judgment motion. (Dkt. No. 42.) Nevertheless, on November 14, 2012, Defendants filed a motion to stay briefing on Plaintiff's partial summary judgment motion (Dkt. No. 46) until the Court ruled on Defendants' motion to stay civil proceedings in their entirety (Dkt. No. 44). Because Plaintiff withdrew his October 10, 2012 partial summary judgment motion, and because this Court ruled on Defendants' motion to stay above, the Court finds Defendants' motion to stay briefing **MOOT**. (Dkt. No. 46.)

### **V. ORDERS**

For the reasons above, the Court issues the following **ORDERS**:

Plaintiff's motion to lift the stay in this case is **GRANTED**. (Dkt. No. 51.)

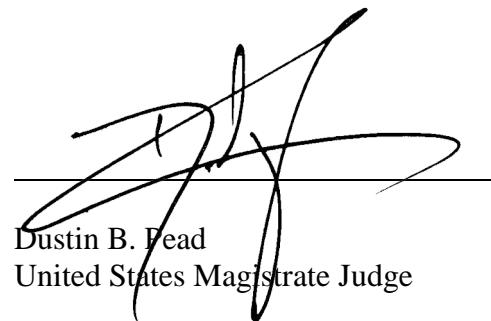
Defendants' motion to stay civil proceedings in their entirety is **MOOT**. (Dkt. No. 44.)

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<sup>1</sup> The Court's October 10, 2012 order merely stayed discovery in this civil proceeding. (Dkt. No. 36.)

Defendants' motion to stay briefing on Plaintiff's October 10, 2012 motion for partial summary judgment is **MOOT**. (Dkt. No. 46.)

Dated this 12<sup>th</sup> day of March, 2013.



A handwritten signature in black ink, appearing to read "DBD". It is written over a horizontal line. Below the signature, the name "Dustin B. Dead" is printed in a standard font, followed by "United States Magistrate Judge" in a smaller font.

Dustin B. Dead  
United States Magistrate Judge